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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,108	09/08/2003	David Silva	227.020/10310955	7045
7590	01/13/2005		EXAMINER	
Mark Ungerman Fulbright & Jaworski, LLP 801 Pennsylvania Avenue, N.W. Washington, DC 20004			LEON, EDWIN A	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,108

Applicant(s)

SILVA, DAVID

Examiner

Edwin A. León

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-13, 16 and 19 is/are rejected.
7) ☒ Claim(s) 14, 15, 17 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed October 6, 2004 in which Claim 9 has been amended, has been placed of record in the file.

Claim Objections

2. Claim 9 is objected to because of the following informalities: The limitation "where said at least one electrical lead has a longitudinal axis that is parallel to the longitudinal axis of said at least one positioning pin" in Lines 16-17 is redundant since it is already mentioned in Line 5. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9, 11-12 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Desso et al. (U.S. Patent No. 3,795,885). With regard to Claim 9, Desso et al.

discloses an electrical connection cable strain relief device comprising: a strain-relieving element (the combination of 16 and 38) disposed about a portion of at least one cable (10) having at least one electrical lead (14) extending out (Fig. 4) from the strain-relieving element (the combination of 16 and 38); at least one positioning pin (46, 48) disposed to extend from the strain-relieving element (the combination of 16 and 38), the at least one positioning pin (46, 48) having a longitudinal axis parallel to a longitudinal axis for the electrical lead (14) extending out (Fig. 4) from the strain-relieving element (the combination of 16 and 38), and the at least one positioning pin (46, 48) having a non-circular cross section, and a contact partner (52) including at least one hole (54) disposed through a portion of the contact partner (52), the at least one hole (54) having an inside wall (inner surface of holes 54) sized so that the at least one positioning pin (46, 48) is compression fitted in the at least one hole (54) by the non-circular cross section of the at least one positioning pin (46, 48) having at least one outside dimension (outer surface of pins (46, 48)) along the longitudinal axis of the positioning pin (46, 48) that is larger than a corresponding inside dimension wall (inner surface of holes 54) of the at least one hole (54), wherein at least one electrical conductor (Column 5, Lines 15-18) disposed on the contact partner (52) can be attached for electrical connection to a portion of at least one electrical lead (14) extending out of the strain-relieving element (the combination of 16 and 38). See Figs. 1-4.

With regard to Claim 11, Desso et al. discloses the strain-relieving element (the combination of 16 and 38) being cemented (Column 5, Lines 15-18) to the contact partner (52). See Figs. 1-4.

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With regard to Claim 12, Desso et al. discloses the at least one positioning pin (46, 48) having an angular cross section (Fig. 3). See Figs. 1-4.

With regard to Claim 16, Desso et al. discloses the contact partner (52) being a circuit board (52). See Figs. 1-4.

With regard to Claim 19, Desso et al. discloses the strain-relieving element (the combination of 16 and 38) being disposed about the at least one cable (10) to have a longitudinal axis of the cable (10) parallel to a longitudinal axis of the at least one electrical lead (14) extending out from the strain-relieving element (the combination of 16 and 38). See Figs. 1-4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole (54) would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desso et al. (U.S. Patent No. 3,795,885). With regard to Claim 10, Desso et al. discloses the claimed invention as shown above except for the strain-relieving element being made of plastic.

Still, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strain-relieving element of plastic, since it has been

held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Desso et al. discloses the claimed invention as shown above except for the positioning pin having a triangular cross section.

However, it would have been obvious to modify the cross section of the positioning pin since applicants have presented no explanation that these particular configurations of the pins are significant or are anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing effective connection between the strain relief element and the board. A change in shape is generally recognizing as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

Allowable Subject Matter

7. Claims 14-15 and 17-18 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

The references fail to teach, disclose, or suggest, either alone or in combination, the at least one positioning pin including a pin body and at least one pin clip disposed to project from the pin body, an arm disposed to extend from the strain relieving element, including recesses, each of the recesses disposed and sized to retain a cable and the arm including a second positioning pin having a non-circular cross section and further

having a longitudinal axis parallel to the longitudinal axis for the electrical lead extending out from the strain-relieving element and in combination with the rest of the limitations of the base and intermediate claims.

Conclusion

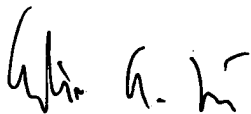
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edwin A. Leon
AU 2833

EAL
January 8, 2005



Gary Paumen
Primary Examiner